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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,134	04/01/2004	Pascal Viger	01807.101370	8105
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EXAMINER				
SHAW, PELING ANDY				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,134

Applicant(s)

VIGER ET AL.

Examiner

PELING A. SHAW

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/CIS)
Paper No(s)/Mail Date 04/01/2004
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Priority

1. This application has claimed a priority on France 0304363 filed on 04/08/2003. The filing date is 04/01/2004.

Claim Rejections - 35 USC § 112, second paragraph

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22 and 24 are rejected under 35 U.S.C. 112, second paragraph as following:

- a. Claim 22 recites the limitation of a system comprising a device according to claim 12.

The preamble for the system, i.e. for access to a digital document, in a communication network, reads right on the device. Thus there seems to be no difference between the system and the device. Thus claim 22 is thus rejected under 35 U.S.C. 112, second paragraph. For the purpose of applying art, claim 22 is to be read as claim 12.

- b. Claim 24 recites a limitation of “a computer program stored in an information medium” that is not different from claim 23’s recitation of a limitation of “an information medium contains instructions of a computer program”. Claim 24 is thus rejected under 35 U.S.C. 112, second paragraph. For the purpose of applying art, claim 24 is to be read as claim 23.

Appropriate corrections are required.

Claim Rejections - 35 USC § 101 Utility

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- a. Claim 23 recites the limitation of “information medium which can be ..., or a transmittable support, such as an electrical or optical signal, that contains instructions of a computer program for ...” A information medium as per an electrical or optical signal does not satisfy the requirement of 35 U.S.C. 101. It is none of a process, machine, manufacture or composition of matter and thus non-statutory. Claim 23 is thus rejected. For the same reason claim 24 is also rejected under 35 U.S.C. 101.
- b. For the purpose of applying art, claims 23 and 24 are read as per claim 1.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gut et al. (US 7006099 B2), hereinafter referred as Gut.

- a. Regarding claim 1, Gut disclosed a method of access to a digital document in a communication network, said method being implemented in a device (Fig. 1, column 2, lines 29-55: a regenerative cache system includes a interface, logic element, memory and processor, request JPEG 2000 image, request document), and method comprising the following steps: selecting a first data item in a digital document, the digital document comprising at least first and second data items (column 2, lines 21-28: anticipated requested objects; column 4, line 47-column 5, line 17: a object contains an object tag providing information related to the object and an object payload containing additional information related to the object, e.g. XML, CGM, FTTS, GIF, RIFF, JPEG); verifying the presence of at least one address of a location containing the second data item of the digital document in storage means of the device (column 2, lines 21-43: determine if an anticipated requested object is missing

from the cache; column 4, lines 47-51: objects stored are individually addressable by memory location, filename, virtual address map or address loop-up); in the absence of the address in the storage means of the device, seeking the address in the network (column 2, lines 21-43: virtual address map or address loop-up); in the event of a positive search, storing the address in the storage means of the device (column 5, line 44-column 6, line 5: directory, address map); and subsequently accessing the second data item of the document from the address thus stored by anticipation and available locally (column 5, line 44-column 6, line 5: object from cache memory, or obtained and cached in anticipation from external request, retrieved from one or more remote storage device).

- b. Regarding claim 2, Gut disclosed a method according to claim 1, wherein the address of the location containing the second data item of the digital document is local (column 4, lines 47-51: objects stored are individually addressable by memory location, filename).
- c. Regarding claim 3, Gut disclosed a method according to claim 1, wherein the address of the location containing the second data item of the digital document is distant (column 4, lines 47-51: objects stored are individually addressable by virtual address map or address loop-up; column 5, line 44-column 6, line 5: object obtained and cached in anticipation from external request, retrieved from one or more remote storage device).
- d. Regarding claim 4, Gut disclosed a method according to claim 1, wherein the search for the address of the second data item is carried out prior to any new request for

- access to a digital document (column 4, lines 47-51: objects stored are individually addressable by address loop-up).
- e. Regarding claim 5, Gut disclosed a method according to claim 1, wherein the first and second data item are of the same resolution (column 11, line 56-column 12, line 3: entire full-sized, full-color, full-resolution).
 - f. Regarding claim 6, Gut disclosed a method according to claim 1, wherein the digital document is a collection comprising a list of objects (column 11, lines 6-29: one or more tiles).
 - g. Regarding claim 7, Gut disclosed a method according to claim 1, wherein the first and second data items are of different resolutions (column 11, line 56-column 12, line 3: subset of JPEG 2000 image, larger image, grayscale of color image, thumbnail, reduced-quality image).
 - h. Regarding claim 8, Gut disclosed a method according to claim 1, wherein the resolution of the first data item is less than that of the second data item (column 5, line 44-column 6, line 29: increasing resolution; column 11, line 56-column 12, line 3: subset of JPEG 2000 image, larger image, grayscale of color image, thumbnail, reduced-quality image).
 - i. Regarding claim 9, Gut disclosed a method according to claim 1, wherein the digital document comprises more than two different resolutions (column 11, line 56-column 12, line 3: subset of JPEG 2000 image, larger image, grayscale of color image, thumbnail, reduced-quality image).

- j. Regarding claim 10, Gut disclosed a method according to claim 1, further comprising the following steps: determining the current resolution of the digital document available at the device (column 12, lines 37-51: chache first JPEG 2000 object); verifying the presence of at least one address of a location containing a higher resolution of the digital document in the storage means of the client device (column 12, line 52-column 13, line 3: request full-resolution from thumbnail); in the absence of the address in the storage means, seeking the address in the network (column 4, lines 47-51: objects stored are individually addressable by address loop-up); in the case of a positive search, storing the address in the storage means of the device (column 5, line 44-column 6, line 5: directory, address map); and subsequently accessing the higher resolution of the document from the address thus stored by anticipation and available locally (column 5, line 44-column 6, line 5: object from cache memory, or obtained and cached in anticipation from external request, retrieved from one or more remote storage device).
- k. Regarding claim 11, Gut disclosed a method according to claim 1, wherein the digital document belongs to the group consisting of fixed images or photographs, video sequences, and computer files of office application (column 4, line 47-column 5, line 17: a object contains an object tag providing information related to the object and an object payload containing additional information related to the object, e.g. XML, CGM, FTTS, GIF, RIFF, JPEG).
- l. Claims 12-22 are of the same scope as claims 1-3 and 5-11. These are rejected for the same reasons as for claims 12-22.

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- m. Claims 23-24 are of the same scope as claim 1. These are rejected for the same reasons as for claim 1.

Gut disclosed all limitations of claims 1-24. Claims 1-24 are rejected under 35 U.S.C. 102(e).

Remarks

5. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Blumberg (US 6886034 B2) Method and system for viewing scalable documents
- b. Ko et al. (US 7343555 B2) System and method for delivery of documents over a computer network
- c. Deshpande et al. (US 7260614 B2) Methods and systems for scalable streaming of images with client-side control

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Examiner, Art Unit 2144